

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-CV-00482-FDW-DSC**

JOYCE A. MAYFIELD,

Plaintiff,

vs.

STRAYER UNIVERSITY, INC.,

Defendant.

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ORDER

THIS MATTER is before the Court upon Defendant Strayer University's Motion to Dismiss. (Doc. No. 26). Having reviewed the Motion to Dismiss, and having now received Defendant's Motion for Summary Judgment, (Doc. No. 37), the Court finds that the Motion to Dismiss is essentially the same as Defendant's Motion for Summary Judgment. As such, the Motion to Dismiss is **DENIED AS MOOT**. To the extent that Defendant wishes to amend its Motion for Summary Judgment to reflect any additional arguments contained in the Motion to Dismiss that were not raised in the Motion for Summary Judgment, it may do so within the next five (5) calendar days.

IT IS SO ORDERED.

Signed: June 14, 2013



Frank D. Whitney
Chief United States District Judge

